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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

<p>JOHNSON & JOHNSON HEALTH CARE SYSTEMS INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>SAVE ON SP, LLC,</p> <p>Defendant.</p>	<p>Civil Action No. 22-2632 (JKS)(CLW)</p> <p><i>Document Electronically Filed</i></p> <p>DECLARATION OF E. EVANS WOHLFORTH, JR., ESQ., IN SUPPORT OF MOTION TO SEAL</p>
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I, E. Evans Wohlforth, Jr., submit this Declaration in support of Defendant Save On SP, LLC's ("SaveOn") Motion to Permanently Seal portions of Johnson and Johnson Health Care

Systems, Inc.’s (“J&J”) August 9, 2024 Motion to Compel Document Retention Policies and Exhibits 1-4, 9-10 [ECF No. 349] and Exhibits 1-2, 4, 7-8 of SaveOn’s Opposition [ECF No. 353].

1. I am an attorney duly authorized to practice law in the State of New Jersey and a member in good standing of the bar of this Court. I am a member of the law firm of Robinson & Cole, LLP, co-counsel for SaveOn.

2. I submit this Certification in accordance with Local Civil Rule 5.3 based upon my personal knowledge in support of the Motion to Seal. The information that SaveOn seeks to seal consists of SaveOn’s confidential, internal information and communications about its business operations, strategies, and internal programs, which SaveOn asserts is proprietary business information.

3. In accordance with Local Civ. R. 5.3(c)(3), attached hereto as Appendix A is the table documenting all materials to be sealed, the nature of the materials to be sealed, the legitimate private or public interest which warrants the relief sought, the clearly defined and serious injury that would result if the relief sought is not granted; and why a less restrictive alternative to the relief sought is not available. In summary, the information that SaveOn seeks to protect from public disclosure is SaveOn’s proprietary business information.

4. In accordance with Local Rule 5.3(c)(3)(f), this office contacted Plaintiff’s counsel via e-mail to inquire as to Plaintiff’s position on whether the materials that are the subject of this Motion should remain sealed. Plaintiff’s counsel does not object to the relief sought in this instant motion.

5. Redacted versions of J&J’s August 9, 2024 Motion to Compel Document Retention Policies and Exhibits 1-4, 9-10 [ECF No. 349] and Exhibits 2, 4, 7-8 of SaveOn’s Opposition [ECF No. 353], containing SaveOn’s confidential proprietary information, are being filed with this

Motion pursuant to Local Rule 5.3(c)(4), to ensure that the sealing is by the least restrictive means possible. No redacted version of Exhibit 1 of SaveOn's Opposition [ECF No. 353] is being filed because it is believed that no less restrictive alternative than permanently sealing is available to prevent the disclosure of SaveOn's proprietary business information.

6. SaveOn asserts that it has a legitimate interest in maintaining the confidentiality of the redacted and sealed information contained in these filings and in avoiding the public disclosure of this information because it includes SaveOn's proprietary business information, the disclosure of which would grant SaveOn's business competitors an unfair competitive advantage. *See e.g., Goldenberg v. Indel, Inc.*, 2012 WL 15909, at *3 (D.N.J. Jan. 3, 2012) (granting motion to seal "commercially sensitive and proprietary non-public business information"); *Bracco Diagnostics, Inc. v. Amersham Health Inc.*, 2007 WL 2085350, at *9-10 (D.N.J. July 18, 2007) (granting motion to seal where the public availability of documents containing confidential business information would have put a party at a competitive disadvantage).

7. SaveOn has an interest in maintaining the confidentiality of the redacted and sealed information contained in J&J's August 9, 2024 Motion to Compel Document Retention Policies and Exhibits 1-4, 9-10 [ECF No. 349] and Exhibits 1-2, 4, 7-8 of SaveOn's Opposition [ECF No. 353] as the documents contain confidential proprietary information including data generated when patients on SaveOn-advised plans fill their prescriptions, SaveOn's internal processes for contacting patients, internal communications amongst SaveOn employees, internal SaveOn marketing and human resources documents, and confidential, proprietary business information relating to the business relationship between SaveOn and its vendors.

8. Accordingly, SaveOn respectfully requests that the Court seal the unredacted versions of J&J's August 9, 2024 Motion to Compel Document Retention Policies and Exhibits 1-4, 9-10 [ECF No. 349] and Exhibits 1-2, 4, 7-8 of SaveOn's Opposition [ECF No. 353].

9. SaveOn submits that there is no less restrictive alternative available.

10. SaveOn respectfully submits that it has satisfied the criteria for sealing a judicial record set forth in Local Civil Rule 5.3. Accordingly, SaveOn requests that the Court grant its motion to seal materials.

11. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 9, 2024

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